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| 10/700,014 | 11/03/2003 | Masakazu Nakamura | 3712174-00459 | 3703 |

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| EXAMINER | |
|---|---|
| ROBINSON BOYCE, AKIBA K | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3628 | |

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|---|---|
| 10/25/2010 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/700,014 | NAKAMURA ET AL. | |
| | Examiner | Art Unit | |
| | AKIBA K. ROBINSON BOYCE | 3628 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *01 October 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *29-35 and 62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-35 and 62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Status of Claims*

1. Due to communications filed 10/1/10, the following is a non-final office action. Claims 1-18, 21-28 and 41-60 are cancelled. Claims 19, 20, 36-40, 61 and 63 have been withdrawn. Claim 29 is amended. Claims 29-35 and 62 are pending in this application and have been examined on the merits. Claims 29-35 and 62 are rejected as follows. The previous rejection has been modified to reflect claim amendments.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 29-31, 33-35, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0105641 in view of Goldstein et al., U.S. Patent No. 6,216,227.

As per claim 29, Lewis teaches an electronic ticket management method

(a)providing:

(i)an event organizer apparatus, ([0010], The system of the present invention also allows consumers to gain access to and to display their purchased tickets on Internet enabled or connected handheld devices, such as personal communications system cellular phones or pages or personal organizer type devices such as a portable digital assistant devices, for subsequent validation at the event to permit entry);

(ii) an electronic ticket platform center which is separate from the event organizer apparatus, ([0028], The main computer system 158 is capable of hosting numerous websites which presents virtual venues or various pages to the customer computer 152. A customer operating the customer computer 152 is able to interact with the various websites being hosted by the main computer system 158 to review various events, select an event, purchase tickets, receive tickets, and pay for tickets, [0031], main computer system, also, [0028] shows that the customer computer 152 is capable of being connected to the Internet by use of an ISP system 154. The customer computer 152 is connected to the ISP system 154 by a telephone connection 156. The ISP system 154 is further capable of connecting or finding a website being hosted by a main computer system 158. In this case, the two systems being separate from each other is suggested by Lewis through use of an Internet connection. Examiner interprets that the above two systems of Lewis are separate systems which use an Internet connection means to communicate); and

(iii) an electronic ticket distribution authentication apparatus, ([0031], The main computer system 188 also has a validation system 192 connected to the main computer system 188 by an electrical connection 194. The validation system 192 may be positioned or located at the venue or the event site. The main computer system 188 may also be located at the venue or the event site or it may be located at a remote location. The validation system 192 is used to read either a paper ticket or information from the handheld device 182, in order to allow a customer into an event. For example, the handheld device 182 may send a signal, such as an audio signal 196, to the validation system 192. The validation system 192 would then authenticate or validate the signal 196 to determine if the customer should be allowed entrance into the event);

(b) causing the event organizer apparatus to form event information unique to the event/(c) causing the event organizer apparatus to form seller information authorizing the electronic ticket distribution authentication apparatus to sell electronic tickets to the event, and (d) causing the event organizer apparatus to register the event information and the seller information in the electronic ticket platform center by the event organizer apparatus, ([0006], [0010], and [0020], lines 10-22 shows that the system is further capable of connecting or finding a website being hosted by a vendor computer system, and the customer computer is allowed access to the vendor computer system through the ISP system by use of a commonly available web browser or similar software package, also in [0022], it is shown that a validation system connected to or associated

with the vendor computer system is placed at the location or site of the event, and a ticket is used at the validation system in order to enter the event, where information read or entered from the ticket is transmitted from the validation system to the vendor computer system, where it is verified that the ticket is valid for the event, and then a signal is sent from the vendor system to the validation system which permits the customer to enter, also, [0026] shows "The vendor computer system 108 is capable of hosting a website which presents various pages to the customer computer 102. A customer operating the customer computer 102 is able to interact with the website being hosted by the vendor computer system 108 to review events, select an event, purchase tickets, receive tickets, and pay for tickets. In particular, a customer may be presented with various screens with such screens presenting information concerning events, seating available for such events, payment methods, and ticket prices for each event." In this case, since the customer is able to go on the vendor's site to purchase tickets for a ticket price, it is obvious that the ability to sell tickets is suggested by Lewis).

(e) causing the event organizer apparatus to receive

a request to distribute the electronic ticket information concerning a plurality of electronic tickets for the event from a user of a first information storage chip (Lewis: paragraphs 0005; 0020; 0026; 0028; 0030),

(f) causing the electronic ticket distribution authentication apparatus to determine whether the electronic ticket information is to be distributed to the user by performing distribution authentication processing;

(g) causing the electronic ticket distribution authentication apparatus to register an authentication result in the electronic ticket platform center as ticket issuing information (Lewis: paragraphs 0010; 0021; 0026; 0028; 0030; The customer pays for the ticket and a record of the transaction is created in the vendor computer system/main computer system.) and

(h) causing the electronic ticket platform center to form an electronic ticket information master based on the event information registered by the event organizer apparatus (Lewis: paragraphs 0010; 0021; 0026; 0028; 0030)

(i) causing the electronic ticket platform center to relate the ticket issuing information registered by the electronic ticket distribution authentication apparatus to the electronic ticket information master (Lewis: paragraphs 0010; 0021; 0025; 0027; 0030- 0031), and

(j) causing the electronic ticket platform center to write the electronic ticket information concerning an electronic ticket for attending the event into the first information storage chip based on the ticket issuing information by performing ticket issuing processing (Lewis: paragraphs 0010; 0021; 0025; 0027; 0030-0031; see smart card, handheld device 112, and wireless handheld device 182),

Lewis teaches purchasing one or more tickets for an event (Lewis: paragraph 0010), but does not explicitly teach (j) causing the electronic ticket platform center to write electronic ticket information concerning a plurality of electronic tickets for attending the event into the information storage chip based on ticket issuing information by performing ticket issuing processing.

Goldstein teaches loading multiple electronic tickets for a range of events onto a smart card (Goldstein: col. 3, lines 47-51).

Lewis teaches in paragraphs 0027; 0029-0031; Lewis teaches the electronic ticket is structured in a format that allows the handheld device to transmit and receive ticket information to and from the vendor computer system/validation system. In addition, [0025] shows that a card 60 may be used in place of the ticket 22, where the card 60 may also be a smart card which has embedded within the card a chip which has recorded therein information related to the validation code or UPC, seat location, and event. The Examiner notes that even as amended, the claim merely recites the ticket is structured in a format that allows for the ticket to be assigned to another information storage chip. The step of actively performing the assigning step is not positively recited in the claim. Lewis teaches the ticket is structured in a format that allows for assigning the ticket to another information storage chip, which reads on the present claim

limitation. Moreover, transmitting assigned electronic ticket information from the information storage chip to the vendor computer system and back to an information storage chip (assigning a ticket) is a duplication of parts. See In re Harza, 124 USPQ 378 (CCPA 1960) (Mere duplication of parts has no patentable significance unless new and unexpected result is produced). There is no new or unexpected result produced since the ticket information is simply assigned to an information storage chip, but does not explicitly teach: (k) causing the electronic ticket platform center to:

(i) assign at least one of the plurality of electronic tickets from the first information storage chip to at least a second information storage chip which is separate the first information storage chip.

However, Goldstein in col. 3, lines 8-23, shows "generating, storing and validating electronic tickets for multiple venues. The tickets are illustratively stored on a standard smart card, although other devices are also contemplated such as the PalmPilot by 3COM Corporation or the iButton by Dallas Semiconductor. The stored tickets may be for any occasions for which admission or passage may be pre-purchased, such as sporting events, entertainment events, airline flights, automobile tolls, etc. *Each venue for which a ticket has been stored on a smart card in accordance with a present embodiment of the invention has an associated applet stored on the smart card.* A shared ticketing applet is also stored. These applets are used, as described below, to interface between the smart card and ticket/venue loading facilities and between the

smart card and ticket validation devices" It therefore would be obvious to combine the teachings of Lewis and Goldstein to disclose the above limitation.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose the following: (i) assign at least one of the plurality of electronic tickets from the first information storage chip to at least a second information storage chip which is separate the first information storage chip.

It therefore would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis to have included writing electronic ticket information concerning a plurality of electronic tickets for attending the event into the information storage chip as taught by Goldstein for the advantage of providing greater convenience to a customer by storing all tickets to multiple events on one card.

Lewis teaches purchasing one or more tickets for an event (Lewis: paragraph 0010), but does not explicitly teach (ii) delete or nullify the at least one of the plurality of electronic tickets from the first information storage chip in response to said at least one of the plurality of electronic tickets being assigned from the first information storage chip to the second information storage chip.

Goldstein teaches in col. 5, lines 38-45 that an applet stored on smart card 100 is able to keep data private and thus inaccessible to other stored applets. This prevents one applet from corrupting or examining tickets associated with a particular venue applet. In a present embodiment, however, tickets are cancelled or deactivated after being presented to validation device 106. In an alternative embodiment, individual tickets are deleted or overwritten. In this case, since *each venue for which a ticket has been stored on a smart card in accordance with a present embodiment of the invention has an associated applet stored on the smart card, and also* a shared ticketing applet is also stored for interfacing between the smart card and ticket/venue loading facilities and between the smart card and ticket validation devices as shown in col. 3, lines 8-23, it is obvious that a ticket is deleted or nullified as a result of the assignment of an electronic ticket from a first information storage chip to a second information storage chip since in Goldstein, tickets are cancelled or deactivated after being presented to a validation device, thereby suggesting that when presented to a validation device the electronic tickets are stored with a shared ticketing applet, from being originally stored with the associated applet.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis to have included deleting or nullifying the at least one of the plurality of electronic tickets from the first information storage chip in response to said at least one of the plurality of electronic tickets being assigned from

the first information storage chip to the second information storage chip with the motivation of providing inaccessibility to other tickets after the assignment.

As per claim 30, Lewis further teaches wherein the seller information (a) authorizes a plurality of electronic ticket distribution authentication apparatuses and(b) includes the number of electronic tickets to be handled by each of the plurality of electronic ticket distribution authentication apparatuses, ([0020], lines 10-22 shows that the system is further capable of connecting or finding a website being hosted by a vendor computer system, and the customer computer is allowed access to the vendor computer system through the ISP system by use of a commonly available web browser or similar software package, also in [0022], it is shown that a validation system connected to or associated with the vendor computer system is placed at the location or site of the event, and a ticket is used at the validation system in order to enter the event, where information read or entered from the ticket is transmitted from the validation system to the vendor computer system, where it is verified that the ticket is valid for the event, and then a signal is sent from the vendor system to the validation system which permits the customer to enter, which in this case, represents authorizing the ticket transaction, and also in [0026], it is shown that a customer operating the customer computer is able to interact with the website being hosted by the vendor computer system to review events, select an event, purchase tickets, receive tickets, and pay for tickets, and customers may also be presented with various screens with such screens presenting information concerning events, seating available for such events, payment methods, and ticket

prices for each event. In this case, since the customer is given payment option methods, and the customer goes through the vendor website to get these payment options in order to authorize by the validation segment, this suggests that this seller information on the website authorizes a plurality of electronic ticket distribution authentication apparatuses through the presentation of payment options. In addition, since this transaction through the vendor website allows for purchase and pay for tickets, the number of electronic tickets to be handled by each of the plurality of electronic ticket distribution authentication apparatuses suggested since one needs to know the number of tickets that one needs to purchase so he or she can pay the proper amount.

It would have been obvious to one of ordinary skill in the art to incorporate the number of electronic tickets to be handled by each of the plurality of electronic ticket distribution authentication apparatuses with the motivation of showing that the number of tickets must be incorporated in order to effectively manage ticket operations for event transactions.

As per claim 31, Lewis further teaches which includes distributing the first information storage chip as a membership card according to a membership registration via the electronic ticket distribution authentication apparatus (Lewis: paragraph 0025).

As per claim 33, Lewis further teaches (a) sending the request to distribute the electronic ticket information from the user is sent and b) causing the electronic ticket platform center to perform the ticket issuing processing via a network (Lewis: paragraphs 0020; 0027).

As per claim 34, Lewis further teaches:

(a) sending the request to distribute the electronic ticket information from the and (b) causing the electronic ticket platform center to perform the ticket issuing processing via an electronic ticket information distribution store terminal, (Lewis: paragraphs 0005-0006; 0020; 0027).

As per claim 35, Lewis further teaches which includes causing the electronic ticket platform center to require

authentication processing when the electronic ticket information is written into the first information storage chip (Lewis: paragraphs 0010; 0021; 0026-0028; 0030).

As per claim 62, Lewis in view of Goldstein does not explicitly teach wherein the plurality of electronic tickets written to the first information storage chip correspond to a plurality of consecutive seats for the same event. However, any difference in the type of tickets stored and the plurality of electronic tickets written on the smart card taught by Goldstein is solely found in the non- functional descriptive material of the stored information. Non-functional descriptive material cannot lend patentability to an invention

that would have otherwise been anticipated by the prior art. In re Ngai, 367 F.3d 1336, 1339; 70 USPQ2d 1862, 1864 (Fed. Cir. 2004); cf. In re Gulack, 703 F.2d 1381, 1385; 217 USPQ 401,404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

4. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0105641 in view of Goldstein et al., U.S. Patent No. 6,216,227 and further in view of Gebb, U.S. Patent No. 6,067,532.

As per claim 32, Lewis in view of Goldstein does not explicitly teach wherein a predetermined time period is provided between the distribution authentication processing performed by the electronic ticket distribution authentication apparatus and the ticket issuing processing performed by the electronic ticket platform center.

Gebb teaches a ticket server compares the current date with a predetermined time period before an event in order to determine if it is acceptable to redistribute a ticket to a new customer (Gebb: col. 2, lines 40-43; col. 7, lines 42-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis in view of Goldstein to have included wherein a predetermined time period is provided between the distribution authentication

processing performed by the electronic ticket distribution authentication apparatus and the ticket issuing processing performed by the electronic ticket platform center as taught by Gebb for the advantage of preventing the purchase of tickets when there is insufficient time to obtain the tickets and attend the event (Gebb: col. 8, lines 6-11).

***Response to Arguments***

5. Applicant's arguments filed 10/1/10 have been fully considered but they are not persuasive.

Applicant argues that as amended, prior art does not disclose: "causing the electronic ticket platform center to: (i) assign at least one of the plurality of electronic tickets from the first information storage chip to at least a second information storage chip which is separate from the first information storage chip; and (ii) delete or nullify the at least one of the plurality of electronic tickets from the first information storage chip in response to said at least one of the plurality of electronic tickets being assigned from the first information storage chip to the second information storage chip." However, examiner disagrees. As now disclosed in the rejection, Goldstein teaches in col. 5, lines 38-45 that an applet stored on smart card 100 is able to keep data private and thus inaccessible to other stored applets. This represents separate information storage

chips. In addition, Goldstein continues to disclose that "This prevents one applet from corrupting or examining tickets associated with a particular venue applet. In a present embodiment, however, tickets are cancelled or deactivated after being presented to validation device 106. In an alternative embodiment, individual tickets are deleted or overwritten." In this case, since *each venue for which a ticket has been stored on a smart card in accordance with a present embodiment of the invention has an associated applet stored on the smart card, and also* a shared ticketing applet is also stored for interfacing between the smart card and ticket/venue loading facilities and between the smart card and ticket validation devices as shown in col. 3, lines 8-23, it is obvious that a ticket is deleted or nullified as a result of the assignment of an electronic ticket from a first information storage chip to a second information storage chip since in Goldstein, tickets are cancelled or deactivated after being presented to a validation device, thereby suggesting that when presented to a validation device the electronic tickets are stored with a shared ticketing applet, from being originally stored with the associated applet.

## ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the •Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
October 21, 2010

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628